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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,509	11/14/2003	Frederick W. Ryan JR.	F-529 D13	9967

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EXAMINER

HAMDAN, WASSEEM H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/713,509	Applicant(s) RYAN ET AL.	
	Examiner Wasseem H Hamdan	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Section [0001], page 1 of 11 of the specification need to be updated to include that the application Serial No. 10/413,978 is now US Patent 6,692,168 B1, date of Patent February 17, 2004.
2. In the specification section [0010] and in the abstract line 9, it has been stated “inversely proportional printing rates” wherein in claim 15, line 5, recites “proportional printing rates”. It is not clear which is which.

### ***Abstract***

3. The abstract of the disclosure is objected to because the abstract must be only one paragraph. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, step “b)” of claim 15 must be shown or the feature(s) canceled from the claim(s), i.e. the proportional printing step does not show in FIG. 5. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi et al. (US Patent 5,873,663).

Regarding claim 15, Yokoi et al. discloses a method for printing an image [FIG. 16], said method comprising the steps of:

- a) forming a sequence of graphic data blocks [FIG. 5 (ABCDEFGF)], said sequence forming a bitmap representative of said image [FIG. 5];
- b) selecting varying rates of travel [FIG. 5 (acceleration area, constant speed area and deceleration area)] and proportional printing rates for each of said blocks [FIG. 5];
- c) sequentially positioning a print head and printing said blocks at said selected rates of travel and said print rates [FIG. 5, the bottom graph shows that the printer sequentially printing for the acceleration area, constant speed area and deceleration area].

Regarding claim 16, Yokoi et al. discloses wherein the rate of travel is different for each of said blocks [FIG. 5, the three area are at different rates]

Regarding claim 17, Yokoi et al. discloses wherein the rate of travel is the same for at least two block [FIG. 5 (acceleration area and deceleration area)].

Regarding claim 18, Yokoi et al. discloses wherein the image is an indicium [FIG. 5 (ABC ...JK)]

Regarding claim 19, Yokoi et al. discloses the rate of travel for a block of a first image is different than the rate of travel for a corresponding block of a second image [FIG. 5 (acceleration area and constant speed area)].

Regarding claim 21, Yokoi et al. discloses wherein the print head positioning for a first image is different than the print head positioning for a second image [FIG. 5 (acceleration area and constant speed area)].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi et al. in view of Kritz et al. (US Patent 3,761,880).

Regarding claim 22 Yokoi et al. discloses the essential elements of the claimed invention except for randomly reordering said blocks to form a new sequence; and sequentially positioning a print head and printing said blocks in said new sequence at said selected rates of travel and said print rates. Kritz et al. discloses randomly reordering said blocks to form a new sequence; and sequentially positioning a print head and printing said blocks in said new sequence at said selected rates of travel and said print rates [column 11, lines 52-70]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Yokoi by including randomly reordering said blocks to form a new sequence; and sequentially positioning a print head and printing said blocks in said new sequence at said selected rates of travel and said print rates, since sequentially positioning a print head and printing said blocks in the new sequence at the selected rates of travel and the print rates, would be beneficial for having a good quality print output.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wasseem H. Hamdan  
March 16, 2004

Charles H. Nolan Jr.  
Primary Examiner  
Tech Center 2800